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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,061	03/24/2004	Karl M. J. Lofgren	SNDK.015US7	6999
36257	7590	08/17/2004	EXAMINER	
PARSONS HSUE & DE RUNTZ LLP 655 MONTGOMERY STREET SUITE 1800 SAN FRANCISCO, CA 94111			ELLIS, KEVIN L	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20040812

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**Commissioner for Patents**

See attached.

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**Detailed Action**

1. Claims 40-57 are presented for examination.
2. Applicant appears to be requesting an interference between the present application and that of Patent No. 6,538,926. This is evidenced by the exact copying of claims from the '926 patent (see Page 7 of the Preliminary Amendment). However, Applicant has not provided all the information necessary to declare an interference. Applicant should provide the following information (see MPEP 2307):
  - A) Present a proposed count (37 CFR 1.607(a)(2))
  - B) Identify at least one claim in the '926 patent corresponding to the proposed count (37 CFR 1.607(a)(3))
  - C) Apply the terms of the claims to the disclosure (37 CFR 1.607(a)(5))
  - D) Explain how the requirements of 35 USC 135(b) are met. (37 CFR 1.607(a)(6)) Note, the present application was filed 3/24/04 and the '926 patent was published 2/28/02. 35 USC 135(b)(2) states:

"A claim which is the same as, or for the same or substantially the same subject matter as, a claim of an application published under section 122(b) of this title may be made in an application filed after the application is published *only if the claim is made before 1 year after the date on which the application is published.* (emphasis added)
3. Claims 40-57 of this application has been copied from U.S. Patent No. 6,538,926 for the purpose of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application.

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Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application. See 37 CFR 1.607(a)(5). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION. FAILURE TO RESPOND WITHIN THE TIME LIMIT WILL RESULT IN ABANDONMENT OF THE APPLICATION.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L. Ellis whose telephone number is 703-305-9659. The examiner can normally be reached on weekdays from 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kevin L. Ellis  
Primary Examiner  
August 12, 2004

*Kevin L. Ellis*

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